

**From:** Mark Kinzie  
**To:** Microsoft ATR  
**Date:** 1/17/02 11:41am  
**Subject:** Microsoft Settlement

To those concerned with the Microsoft Settlement,

I have been working as a software engineer for 20 years, and understand why Microsoft has the power to push others from the market, stifle competition from innovative companies, and to eventually gain control of nearly all uses of computers and communications: they have complete control over a resource that the vast majority of software written today is completely dependent on - the Windows API.

Microsoft controls the operating system that all other application software developers are dependent on. But Microsoft also develops applications. This gives Microsoft extraordinary advantages:

- 1) Microsoft can change the API, forcing all competitors to scramble to change their applications so they will still work with the new API.
- 2) Microsoft can use their knowledge of what the new API is going to be (knowledge that no competitor has) in order to be first to market with applications that work with the new API.
- 3) Microsoft has knowledge of the operating system that no one else has - essentially, part of the API that no one else can see or use. How can others compete when they don't have access to the same resources?

These advantages have allowed Microsoft to take control of the major types of application software in use: Office productivity software, Web browsers and email.

Regarding their application software (in particular, Office), their control over the data formats of the software give them the same kind of advantages as control over the OS API's.

For example: these days, if you're looking for a job, you need to be able to send your resume to prospective employers though email. Your resume essentially has to be in Microsoft Word if you want them to be able to read it (Word alone costs \$339.00). The competition's less expensive word processing software will claim to be compatible with Word (they have to), but it's not completely compatible because they don't

have an established standard to write to. Microsoft controls the de facto standard, changes it at will, and is the only company that completely understands it.

Microsoft must open up it's API's and data formats so that all can play on a level playing field. This must be done in such a way that the unfair advantages described above are no longer in place. It might be argued that this unfairly causes Microsoft to forfeit some of it's intellectual property, and that the advantages listed above are not unfair and anti competitive. But Microsoft is a monopoly controlling critical resources.

I've often tried to come up with an allegory to explain the situation that Microsoft has to non-software people. I was never able to find an allegory that fits, and I finally realized why. It's because software is different than anything that's ever come before. We've just never had anything that is really like software that runs on a computer. You just have to learn about how software works to be able to understand the Microsoft situation. I'm concerned that there are not enough people in decision-making positions in the Department of Justice (or in Congress or the White House for that matter) that really understand how software is built. It's a crucial matter that is only going to grow more important as time progresses.

Thank you,  
Mark Kinzie

The opinions expressed are my own, and not necessarily those of the Johns Hopkins University.

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